



## **CITY OF AUBURN**

**Planning Commission – Staff Report**

**Meeting Date: November 16, 2010**

**Prepared by: Adrienne Graham, Consulting Planner**

**ITEM NO.  
V-A**

**ITEM V-A: BALTIMORE RAVINE SPECIFIC PLAN AND STUDY AREA PROJECT – FILES GPA 07-3; SPA 07-1; RE 07-1; SUB 07-2; DA-07-1**

**REQUEST:** The applicant requests approval of the Baltimore Ravine Specific Plan (BRSP) and Study Area project, which is proposed for the 406-acre Urban Reserve area situated in southwest Auburn. Approval of the proposal includes certification of the project Environmental Impact Report (including the Final EIR, Mitigation Monitoring Program, and the Findings of Fact and Statement of Overriding Considerations), adoption of a Specific Plan (the BRSP), adoption of a General Plan Amendment, approval of a Rezone, approval of a Large Lot Tentative Subdivision Map, approval of a Development Agreement, and adoption of a Statement of Reasons to Permit Development within a Mineral Resource Zone.

**RECOMMENDATIONS:**

The Auburn Community Development Department recommends that the Auburn Planning Commission take the following actions:

- A. Move to adopt **Planning Commission Resolution 10-12**, taking the following actions regarding the environmental document prepared for the Baltimore Ravine Specific Plan and Study Area project:
  1. Certify the Environmental Impact Report prepared for the Baltimore Ravine Specific Plan and Study Area project;
  2. Adopt the Findings of Fact and Statement of Overriding Considerations; and
  3. Adopt the Mitigation Monitoring Program.
- B. Move to adopt **Planning Commission Resolution 10-13**, recommending that the Auburn City Council approve the General Plan Amendment, Specific Plan Amendment, Rezone, and Development Agreement associated with the Baltimore Ravine Specific Plan and Study Area project (File GPA 07-3; SPA 07-1; RE 07-1; and DA 07-1).
- C. Move to adopt **Planning Commission Resolution 10-14**, approving the Large Lot Tentative Map for Plan Area 1 of the Baltimore Ravine Specific Plan (File SUB 07-2) as presented, or as amended by the Planning Commission.
- D. Move to adopt **Planning Commission Resolution 10-15**, recommending that the Auburn City Council adopt the Statement of Reasons to Permit Development in a Mineral Resource Zone.

## **ALTERNATIVE MOTION (DENIAL):**

- E. Recommend that City Council deny the Baltimore Ravine Specific Plan and Study Area project (Files GPA 07-3; SPA 07-1; RE 07-1; SUB 07-2; DA-07-1), and not adopt the Statement of Reasons to Permit Development in a Mineral Resource Zone based upon substantial evidence in the public record.

## **BACKGROUND**

The City of Auburn is processing the Baltimore Ravine Specific Plan (BRSP) and Study Area Project (Project), which is proposed for the 406-acre Urban Reserve area situated in southwest Auburn. The City prepared a Draft Environmental Impact Report (EIR) for the Project and circulated the EIR to the public and government agencies from June 8 to July 23, 2010. A Final EIR was made available to commenting agencies and the public on November 5, 2010.

The Auburn Planning Commission held a public hearing on September 21, 2010, to review the Project and accept public comment. The Commission continued the public hearing to November 16, 2010. Since the September 21<sup>st</sup> hearing, several additional documents have been prepared, including the Final EIR, the Mitigation Monitoring Program, and the Findings of Fact and Statement of Overriding Considerations. These documents are provided as exhibits for this staff report.

## **REQUESTED PROJECT APPROVALS**

The purpose of the November 16<sup>th</sup> Planning Commission hearing is to consider and take action on the Project and associated entitlements. The Planning Commission serves as a recommending body on each of the actions below, with the exception of the Large Lot Tentative Map, with which they serve as the approving body. Because the Planning Commission is the first agency to take a final (albeit appealable) action on the project, it must certify the adequacy of the FEIR and make CEQA findings before it does so. The key actions associated with the BRSP project are:

1. **Project Environmental Document** – The Planning Commission will review the project's environmental document and take the following actions (see Exhibit A):
  - a. Certification of the BRSP Environmental Impact Report, including the Draft EIR and the Final EIR;
  - b. Adoption of the Findings of Fact and Statement of Overriding Considerations; and
  - c. Adoption of a Mitigation Monitoring Program.
2. **General Plan Amendment** – A General Plan Amendment (see Exhibit B) is required for the following:
  - a. The existing Urban Reserve designation in the south Auburn area must be replaced with the land use designations proposed in the BRSP. The Auburn General Plan requires the adoption of a specific plan in order to change Urban Reserve designations. Adoption of a specific plan is conducted by amending the General Plan.

The General Plan Amendment for this plan will adopt the BRSP land use designations for Plan Area 1 (Exhibit B.1). Plan Area 2 would retain the Urban Reserve designation until future development approvals are undertaken. The General Plan amendment also re-designates the remainder of the Urban Reserve area not in Plan Areas 1 or 2 (i.e. the Study Areas) as Rural Density Residential with a 2-acre lot minimum (RDR – 0.5 du/ac).

- b. **Adopt a new Urban High Density Residential (UHDR) designation:** The BRSP includes a new land use designation, Urban High Density Residential (UHDR). The UHDR designation is not recognized in the current General Plan. The existing General Plan includes a High Density Residential designation (HDR) that allows for up to 15 units per acre. In order to provide for higher, more urban densities, approximately 18 acres in Plan Area 2 would be designated Urban High Density Residential (UHDR), which would allow for 10 to 20 units per acre. In order to include the UHDR designation in the BRSP, the General Plan must be amended to add the UHDR designation. Allowing up to 20 units per acre is consistent with the 2008 Auburn Housing Element.
3. **Specific Plan** – The Planning Commission will provide a recommendation on the Baltimore Ravine Specific Plan proposed by the applicant (Exhibit B.2), as amended by the addendum (Exhibit B.3).
4. **Rezone** – Plan Area 1 and the Study Areas must be rezoned in association with the BRSP (Exhibit B.4). Plan Area 1 will be rezoned consistent with the BRSP and the Study Areas will be rezoned to Agricultural Residential with 2-acre lot size minimums (AR-2). The property in Future Plan Area 2 will retain its current zoning.
5. **Development Agreement** – A development agreement is proposed for Plan Area 1 in conjunction with the BRSP (Exhibit O of the September 21<sup>st</sup> staff report). The development agreement formalizes the requirements and expectations of the applicant and future developers; in essence, it trades a vested right to develop the project (immune from rezoning by the City) in exchange for agreements to mitigate impacts of development as specified in the Agreement. Additional deal points are currently being finalized and will be forwarded to the Commission prior to the November 16<sup>th</sup> hearing.
6. **Large Lot Tentative Map** – A Large Lot Tentative Map is proposed for Plan Area 1 (Exhibit C). The configuration of the lots is consistent with the parcel configuration illustrated in the BRSP. The Planning Commission acts as the approving body for the large lot map, subject to appeal to the City Council. Of course, the developer will not be able to pursue development of the land subject to the map without Council approval of the other actions before the Commission.
7. **Statement of Reasons to Permit Development in a Mineral Resource Zone** – A portion of the plan area has been designated a Mineral Resource Zone by the State geologist due to historic gold mining in the area. State law requires that the City adopt, and the State Board of Mines and Geology accept, a Statement of Reasons for permitting development in an

area that has been identified as an MRZ. The Commission will make a recommendation to the Council on the proposed Statement of Reasons (Exhibit D).

## **RESPONSE TO PLANNING COMMISSION REQUEST FOR INFORMATION**

The Planning Commission received a number of comments from the public at the public hearing held on September 21, 2010. For the most part, the comments raised by the public were addressed with the September 21st staff report. Based on the public's comments, the Planning Commission requested additional information on several items:

1. Options to the proposed access at Herdal Drive, including a second access to Auburn Folsom Road.
2. Indian Hill Road traffic impacts.
3. Herdal Drive traffic impacts.
4. Role of Sisters of Mercy affordable housing project in traffic analysis.
5. Native American burials and remains.

Each of these items is discussed briefly below. In addition, staff and City consultants will discuss these issues in presentations at the November 16<sup>th</sup> Planning Commission meeting.

### **1. Herdal Drive Access**

Development of the BRSP requires at least two unrestricted access points. According to the traffic analysis, only one main road (the Herdal-Werner Connector) would be needed to serve project traffic volumes. The project applicant proposes to provide the required access by connecting Herdal Drive to Werner Road through the BRSP. The extension of Herdal Drive would be the primary access for Plan Area 1. The connection to Werner Road would provide secondary access to Plan Area 1 and primary access to Future Plan Area 2. Perry Ranch Road would provide a third access to Plan Area 1 for emergency use.

During the September 21<sup>st</sup> Planning Commission hearing, questions were raised in regards to other access options that were considered, as well as the potential for adding a second access to Auburn Folsom Road. Adding a second access to Auburn Folsom Road would not be necessary, because the Herdal-Werner Connector is designed to City standards and would be able to accommodate project and other anticipated traffic.

Concerns have been raised about the extension of Herdal Drive and the use of Herdal Drive as the primary access for the BRSP. In particular, residents of the neighborhoods immediately north and south of Herdal Drive have expressed concerns regarding increased traffic on Herdal Drive, and residents adjacent to the proposed Herdal Drive extension have concerns about the effects of the roadway extension on their residences. The Herdal Drive extension right-of-way is a 60' wide undeveloped easement that is abutting the back yards of fifteen (15) homes to the north and south of the right-of-way.

The development of the BRSP will result in a definite change in the character for this area since the construction of the road will be used as the primary access to the BRSP. Because of this

change and the concerns expressed by affected residents, a number of analyses were prepared, and at a greater level of detail, than normally conducted at this point in the review process. For example, the Draft EIR includes a parcel by parcel analysis of traffic noise levels along the extension. Staff has met on several occasions with Herdal-area residents, including the President of the adjacent homeowners association. One meeting included a walk of the Herdal extension with the applicant's engineer and the City Engineer.

In response to concerns raised during consideration of the project, staff reviewed a number of alternatives to the Herdal Drive access. The access options were also discussed during the site tours conducted with Council members, Planning Commissioners and the public, and were addressed in detail in a March 2010 memorandum as well as the staff report for the September 21, 2010 Planning Commission meeting. The access options that have been discussed are:

- Maidu Drive extension
- May Perry Drive
- Pacific Street extension
- Rail line crossing south of Pacific Street
- High Street extension
- Tea Lane extension.

As discussed in the staff report for the September 21st Planning Commission meeting and the March 2010 memorandum, each of these options would require construction of more roadway than the Herdal Drive extension, resulting in more grading and a greater loss of woodlands. With the exception of the May Perry connection and the High Street connection, each of these options would also require much larger bridges than the Herdal Drive extension. In some cases, these bridges would be visible to the public. The High Street option would require multiple switch backs through steep terrain and would not provide direct access to Plan Area 1. The May Perry connection would not require a railroad crossing, but would require bridges over two ravines.

## **2. Indian Hill Road Traffic Impacts**

The project would not provide a direct connection to Indian Hill Road, but some project traffic would use this roadway. The Draft EIR analyzed traffic conditions on Indian Hill Road from its intersection with Auburn-Folsom Road to Interstate 80, and found that the road would meet City and County service level criteria with or without the addition of project traffic. In addition, the Draft EIR looked at service levels at three intersections with Indian Hill Road: Auburn-Folsom Road, Dillon Circle and Dillon Circle/Hoyer Lane. The Final EIR also estimated the service levels at the intersection with Grandview Drive, which serves the Grand Oaks subdivision and Indian Hill Estates subdivision. All of the intersections that were studied would meet the service level standards in the after-project condition. Consequently, the project was found to have a less-than-significant impact at these intersections.

One of the concerns expressed by the public regarding traffic on Indian Hill Road is safety conditions at the Indian Hill Road/Hoyer Lane intersection, which was reviewed on page 5.11-1 of the Draft EIR and addressed in more detail in an assessment summarized in Appendix N.10. The assessment involved review of accident records for the period of 2002-2006, a time frame

that is consistent with standard practice for traffic safety studies. The assessment determined that three accidents had occurred over that time period, of which one resulted in an injury. The assessment concluded that various types of accidents had occurred and that there were no conditions at the intersection that would be directly affected by the development of the BRSP. The assessment acknowledged the fatal accident that had occurred at this location 10 years ago. The Draft EIR noted that the intersection is within the jurisdiction of Placer County and that any action to improve the intersection would have to be made by the County.

### **3. Herdal Drive Traffic Impacts**

As discussed above, there would be two primary access point for the proposed project—Werner Road and Herdal Drive. Initially, Herdal Drive would provide primary access to Plan Area 1, and secondary access would be provided via Rogers Lane. Project traffic on Herdal Drive with Plan Area 1 only is estimated to be 2,150 daily vehicle trips. At buildout of both Plan Area 1 and Future Plan Area 2, 40 percent of BRSP traffic is expected to use the Werner Road access, and 60 percent of residential project traffic and 95 percent of project retail traffic, a total of 8,740 daily vehicle trips, is expected to use Herdal Drive. As stated above, Herdal Drive has the capacity to accommodate these traffic levels.

The Draft EIR evaluated levels of service at the intersections of Herdal Drive with Auburn-Folsom Road, Del Valle Drive and Quinn Way. Under existing conditions, the intersections of Herdal Drive/Del Valle Drive and Herdal Drive/Quinn Way would operate within City service level standards with the addition of project traffic. The Herdal Drive/Auburn-Folsom Road intersection would also meet City standards under existing conditions with Plan Area 1 traffic. However, under both existing and cumulative conditions, the intersection of Herdal Drive and Auburn-Folsom Road is projected to operate at LOS E in the p.m. peak hour as the result of the addition of full BRSP traffic (both Plan Area 1 and Future Plan Area 2). Mitigation Measure 5.11-1 on page 5.11-59 of the Draft EIR requires re-striping the eastbound Herdal Drive approach to provide a separate left turn lane. No changes to the striping on Auburn-Folsom Road at this intersection are required. With mitigation, the service level at the Auburn-Folsom Road/Herdal Drive intersection would improve to LOS D in the p.m. peak hour, which would satisfy minimum City of Auburn standards.

The impacts on residents of Herdal Drive and the Herdal Drive extension are evaluated throughout the Draft EIR. For example, the visual impacts on the Herdal Drive extension are specifically addressed on page 5.1-37 in Impact 5.1-1, noise impacts on residents of Herdal Drive and the extension are addressed in Impacts 5.8-1 (page 5.8-24) and 5.9-7 (pages 5.8-33 and 5.8-34) and the traffic impacts on Herdal Drive are analyzed in Impacts 5.11-1 (pages 5.11-58 and -59) and 5.11-6 (pages 5.11-63 and -64). In addition, subsequent to the Draft EIR, more specific information regarding the topography of the extension has allowed the City's noise consultant to prepare a supplemental noise analysis (Attachment 1). This analysis is consistent with the findings of the EIR and is provided for the Commission's information.

#### **4. Sisters of Mercy Traffic**

The cumulative traffic analysis is based on a growth rate rather than a list of projects. Based on a variety of data and discussions with City and County staff, a forecast growth rate of 1.7 percent per year was applied to existing traffic volumes. The Sisters of Mercy project traffic would be captured within this growth rate.

#### **5. Native American Burials and Remains**

Extensive historic and pre-historic research was conducted for the project site as part of the EIR analysis. PBS&J staff conducted a reconnaissance survey of the site, an intensive archaeological pedestrian survey of the site, and invited representatives from the United Auburn Indian Community (UAIC) to visit the site. The UAIC representatives who visited the site are listed on page 3 of the *Public Review Version of the Archaeological and Historic Properties Survey Report for the Baltimore Ravine Specific Plan, City of Auburn, California*, PBS&J (March 2008) included as Appendix J in the Draft EIR. At the request of the UAIC, the persons consulted included three cultural resource specialists from AES --Dr. Shelley McGinnis, Mike Taggart, and Yolanda Chavez -- and two Native Americans -- Allen E. Adams, and Grayson Coney. Mr. Adams is a UAIC Tribal member. Mr. Coney is not a member of the tribe, but he grew up in the Auburn area and is the Cultural Director of the Tsi-Akim Maidu Tribe in Grass Valley. Together, the group spent approximately 8 hours at the project site looking for Native American archaeological sites and artifacts.

Archival research and the intensive onsite pedestrian survey did not disclose any specific burial locations in the project site. It is known that the project area was inhabited during prehistoric and historic-period times, and buried human remains, including those interred outside of formal cemeteries, could be located on the project site. Research of death certificates is not conducted during archival research regarding archaeological sites; however a recent on-line review of Placer County historic death records did identify two death certificates from Bloomer Ranch in the late 1800s; however, the burial locations were not indicated. Because there is the potential that human remains could exist on the project site, Mitigation Measure 5.4-6 in the Draft EIR describes the procedure to be followed if human remains are encountered.

The City received a letter (Attachment 2) from the United Auburn Indian Community of the Auburn Rancheria (UAIC). The UAIC has reviewed the EIR prepared for the BRSP and Study Areas project and states that they concur "...with the content, recommendations, and mitigation measures...in the archeological report and DEIR".

#### **OTHER**

The Planning Commission received a comment letter from Alex Fisch on October 27, 2010 addressing the mitigation of potential impacts to City services. The letter is provided to the Commission as Attachment 3.

## ATTACHMENTS

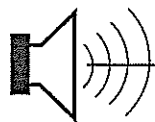
1. Supplemental Noise Analysis – 10940 Oak View Terrace
2. UAIC Letter from Tribal Administrator Greg Baker dated November 5, 2010
3. Letter from Alex Fisch dated October 23, 2010

## EXHIBITS

All exhibits are available for review in the Auburn Community Development Department

- A. Planning Commission **Resolution 10-12** certifying the project environmental documents including the following:
  1. Draft EIR for the BRSP and Study Area Project (provided separately)
  2. Final EIR and Mitigation Monitoring Program (attached)
  3. Findings of Fact and Statement of Overriding Considerations (attached)
- B. Planning Commission **Resolution 10-13** recommending approval of the General Plan Amendment, Specific Plan Amendment, Rezone, and Development Agreement (Files GPA 07-3; SPA 07-1; RE 07-1; and DA 07-1), including the following:
  1. Proposed General Plan Land Use Designations.
  2. Baltimore Ravine Specific Plan (provided separately)
  3. Addendum to the BRSP – July 7, 2010 (Exhibit C of the September 21<sup>st</sup> staff report)
  4. Proposed Zoning
  5. Development Agreement (Exhibit O of the September 21<sup>st</sup> staff report)
- C. Planning Commission **Resolution 10-14** approving the Large Lot Tentative Map for BRSP Plan Area 1.
- D. Planning Commission **Resolution 10-15** recommending adoption of the Statement of Reasons to Permit Development in a Mineral Resource Zone.





September 15, 2010

Christine Kronenberg  
Senior Environmental Manager  
PBS&J  
Transmitted via email to: [CMKronenberg@pbsj.com](mailto:CMKronenberg@pbsj.com)

**Subject: Analysis of Future Herdal Extension Traffic Noise Levels at 10940 Oak View Terrace**

Dear Christine:

Pursuant to a request from Adrienne Graham, Bollard Acoustical Consultants, Inc. (BAC) has completed additional analysis of potential traffic noise impacts and mitigation measures for the residence located at 10940 Oak View Terrace, which is adjacent to the proposed Herdal Drive Extension. This letter summarizes the findings of that analysis.

#### **Traffic Noise Modelling for 10940 Oak View Terrace**

Cross-sections from three rear yard areas of this residence to the proposed Herdal Drive Extension were provided by Uborra Engineering & Planning. The three locations analyzed included yard areas in the eastern and western portions of this property and a deck location in the central portion of this property. BAC utilized BRSP traffic forecasts with the Federal Highway Administration Highway Traffic Noise Prediction Model (FHWA-RD-77-108) to predict noise levels at each of the three outdoor locations of this residence, including shielding provided by the split-roadway configuration and proposed property line noise barrier along the north side of the proposed extension.

To account for the effects of the split roadway, particularly shielding of eastbound traffic provided by the median, BAC modelled eastbound and westbound traffic separately and combined the results to arrive at a single Ldn value at each of the three outdoor locations of this residence. It was assumed for this analysis that the average daily traffic volumes (ADT) for the Herdal Drive Extension were divided equally between eastbound and westbound traffic. Three scenarios were evaluated in predicting existing plus Plan Area 1 traffic noise levels at this residence. Those scenarios are as follows:

- Scenario 1: Split Roadway & 7-foot ROW barrier
- Scenario 2: Split Roadway & 8-foot ROW barrier
- Scenario 3: Split Roadway Westbound Lane decreased by 2 feet & 8-foot ROW barrier.

The results of the traffic noise analysis at 10940 Oak Terrace are provided in Table 1.

**Table 1**  
**Predicted Existing Plus Plan Area 1 Traffic Noise Levels (Ldn, dB)**  
**10940 Oak View Terrace, Auburn CA**

Outdoor Location	Scenario 1	Scenario 2	Scenario 3
East Yard Area	54	53	53
Deck	56	55	54
West Yard Area	54	53	53

## Conclusions

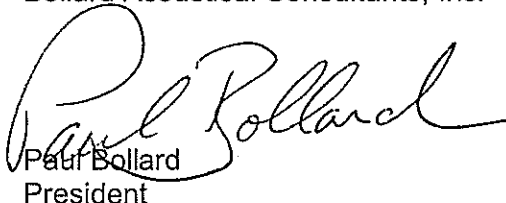
The conclusions of this supplemental analysis are as follows:

- The proposed split lane configuration and 7-foot tall property line noise barrier on the north side of the proposed Herdal Drive Extension (Scenario 1) would result in traffic noise levels which are below the City of Auburn 60 dB Ldn exterior noise level standard at all three exterior areas of this residential property.
- Increasing the height of the proposed barrier by 1 foot and decreasing the westbound roadway elevation (Scenarios 1 and 2) both result in improved barrier performance relative to Scenario 1, but the improvement is not dramatic (1-2 dB).
- Relative to existing ambient conditions which were measured to be approximately 50 dB Ldn, existing plus Plan Area 1 traffic noise levels would be below the 5 dB threshold of significance at the exterior yard areas this residence under the proposed project. Although noise levels would be slightly higher at the exterior deck area due to its higher elevation relative to the roadway, noise impacts in the City of Auburn are typically evaluated at ground floor yard areas, and not at elevated deck positions. Predicted traffic noise levels at the elevated deck position of this residence would be well below the City's 60 dB Ldn exterior noise level standard. The project-related increase in noise levels at that location would range from 56 dB Ldn under Scenario 1 to 54 dB Ldn under Scenario 3.

I hope that this information meets your needs at this time. Please contact me at (916) 663-0500 or [paulb@bacnoise.com](mailto:paulb@bacnoise.com) if you have any comments or questions.

Sincerely,

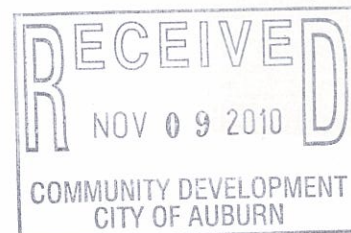
Bollard Acoustical Consultants, Inc.

  
Paul Bollard  
President

MIWOK  
MAIDUUnited Auburn Indian Community  
of the Auburn RancheriaDavid Keyser  
ChairmanKimberly DuBach  
Vice ChairGene Whitehouse  
SecretaryBrenda Conway  
TreasurerCalvin Moman  
Council Member

November 5, 2010

Adrienne L. Graham, AICP, Consulting Planner  
 City of Auburn - Community Development Department  
 1225 Lincoln Way, Room 3  
 Auburn, CA 95603



**Subject:** *Baltimore Ravine Specific Plan and Study Areas Project Draft EIR*


Dear Ms. Graham:

Thank you for the opportunity to continue to consult under SB 18 on the Baltimore Ravine Specific Plan (BRSP) and Study Areas, Project Draft Environmental Impact Report (DEIR). The UAIC is comprised of Miwok and Nisenan (Southern Maidu) people whose tribal lands are within Placer County and ancestral territory spans into Eldorado, Nevada, Sacramento, Sierra, Sutter, and Yuba counties. The UAIC is concerned about development within its aboriginal territory that has potential to impact the lifeways, cultural sites, and landscapes that may be of sacred or ceremonial significance. We appreciate the opportunity to comment on this and other projects in your jurisdiction.

After reviewing the reports titled, *Baltimore Ravine, Specific Plan and Study Areas, Volume I: Draft Environmental Impact Report*, prepared for the City of Auburn by PGS&J, June 2010 version, and the *Public Review Version, Archaeological and Historic Properties Survey Report for the Baltimore Ravine Specific Plan, City of Auburn, California*, (PBS&J Job No. 0D5137900), March 2008 version, the UAIC agrees that the archaeological reports meet both state and federal compliance standards. The proper recommendations have been made for the next archaeological phases. All archaeologists on both the part of consultants and the UAIC meet the *Secretary of Interior Standards and Professional Qualifications* and the report follows the normal standards and protocols in accordance to the California Environmental Quality Act; Section 106 of the National Historic Preservation Act of 1966, as amended; and, the National Environmental Policy Act of 1969. Therefore, the UAIC concurs with the content, recommendations, and mitigation measures described in the archaeological report and the DEIR.

Thank you for taking these matters into consideration, and for involving the UAIC in the planning process. The UAIC appreciates the good faith effort by the part of the City of Auburn and the Developer to involve AES and UAIC preservation staff to participate in site visits, consultation, and review. We look forward to continuing this dialogue. If you have any questions, please contact Marcos Guerrero, cultural resources specialist, at (530) 883-2364.

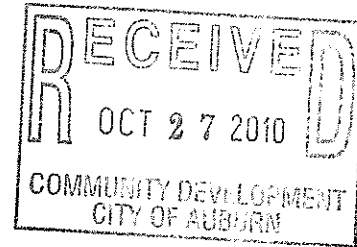
Sincerely,

  
 Gregory S. Baker  
 Tribal Administrator

cc: David Keyser, Chairperson; Marcos Guerrero, Cultural Resources Specialist

October 23, 2010

Reg Murray, Senior Planner  
Community Development Department  
City of Auburn  
1225 Lincoln Way, Room 3  
Auburn, CA 95603



**RE: Comments on the Baltimore Ravine Specific Plan Project**

Dear Mr. Murray:

I wanted to thank you for taking the time to discuss this project with me in the past and for providing information I have requested on the Fiscal Impact Analysis. Allow me to begin my comments by stating that overall I think the City has done a very good job in providing guidance to the project applicant to design a project that, overall, fits well with the aesthetic of Auburn and provides for reasonable protection of habitat and open space. For the most part the project demonstrates responsible growth patterns, though I do still question the wisdom of approving high-density residential and commercial development in an area that is predominantly rural and will include limited shopping, employment, and other public services in the immediate vicinity. Nonetheless, the wisdom of deciding the overall fashion of how the City will grow is at the discretion of our elected leaders, whom I'm sure have the best interests of the City in mind when making such decisions.

My remaining concern with the project is that its implementation not result in adverse fiscal impacts to the City, which already struggles somewhat to provide services to its residents and businesses due primarily (in my opinion) to the confinement of its commercial tax base. I read with interest the Fiscal Impact Analysis (FIA) for this project, as well as the peer review of the FIA and the consultant's response to the peer review. To that end, I do not agree with the peer review analysis which opined that the FIA consultant's analysis, concluding that the cost of providing fire services to the project would result in a \$38,000 annual operating deficit to the City Fire Department, was erroneous. The peer reviewer's opinion, which included no discernable analysis or data, stated that the project should not result in adverse fiscal impacts to the fire department's budget because the incremental cost of providing fire protection services to BRSP residents would likely be lower than the cost of service to existing City residents. However, the inverse is more likely to be true as the incremental cost of providing additional fire protection facilities, equipment, and personnel is likely to be higher over the long term than at present. It is uncertain, at best, that property tax revenues would increase commensurately with the rising costs of service. Furthermore, this project's service demands on the City of Auburn Fire Department are not likely to result in improved economies of scale, as the peer reviewer suggests.

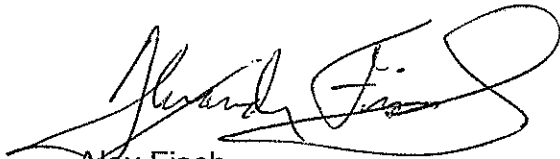
That said, I am pleased to see that Section 6.14.01 of the proposed Development Agreement includes a requirement that the project developer make payment to the City in the amount of \$38,000 to offset the projected increased cost of providing fire protection services. Nonetheless, it appears that this is a one-time payment only, which would not make the City

whole on a year over year basis. This is contrary to the language contained in other portions of the Development Agreement, which states that the City and the developer agree, as founding principles of the Development Agreement, that the City and its existing residents will not bear costs associated with the provision of public services to the project.

The DEIR analysis and the FIA analysis both identify that upon completion of the build-out of the Plan Area the increased demand on fire services will require capital improvements to existing fire facilities, or may warrant construction of a new fire station. It would be more appropriate, as well as consistent with the spirit and intent of the Development Agreement, for the City to require a one-time pro-rata contribution to the estimated cost of providing those facilities, to agree to bear the design cost of the new facilities, or another similar alternative that would result in a more sustaining long-term fiscal benefit to the City. This would be a fair request of the City and would serve the best interests of the Fire Department, existing City residents, and the future residents of Baltimore Ravine. Furthermore, such a requirement would not be disproportionate to the scope of the service impacts caused by the 700+ unit project.

Thank you for considering my comments and for entering them into the project's administrative record. Feel free to call me if you have any comments or questions at (530)613.0366 or by email at [amfisch@sbcglobal.net](mailto:amfisch@sbcglobal.net)

Sincerely,

A handwritten signature in black ink, appearing to read 'Alex Fisch', with a large, stylized flourish extending from the end of the signature.

Alex Fisch  
175 Shields Avenue  
Auburn 95603